

**SUMMARY OF COMMENTS AND STAFF RESPONSES
FOR PROPOSED REVISION TO
CHAPTER 100. AIR POLLUTION CONTROL
SUBCHAPTER 47. CONTROL OF EMISSIONS FROM EXISTING MUNICIPAL
SOLID WASTE LANDFILLS**

**COMMENTS RECEIVED PRIOR TO AND AT THE *JANUARY 19, 2022*
AIR QUALITY ADVISORY COUNCIL MEETING**

Written Comments

There were no written comments from the public at the January 19, 2022, Air Quality Advisory Council meeting.

Oral Comments

Pete Schultze, Waste Management

- 1. COMMENT:** Mr. Schultze asked if the increments of progress under OAC 252:100-47-6(c)(3)(B) and (C) are really needed and whether they could be removed. He indicated that historically, landfill staff and consultants are not used to these reporting requirements in NSPS WWW, which does not have them, and may result in a noncompliance issue for missing reports even though the landfills could be on track and compliant at the end of the 30-month installation period. He expressed that these increments did not seem to be required by EPA and add an additional reporting timeline that may be overlooked.

RESPONSE: DEQ considers the requirements in OAC 252:100-47-6(c)(3)(B) and (C) necessary because they are taken from the Federal Plan, specifically Table 1 of 40 C.F.R. Part 62, Subpart OOO. In order to replace the Federal Plan with a State Plan, DEQ must include language as restrictive as the Federal Plan. Because the Federal Plan deadline had passed, EPA included more prescriptive increments of progress and compliance schedules in the federal plan. DEQ is copying the language because sources will still be subject to the timelines of the Federal Plan even if an approved State Plan has less stringent requirements, as indicated in 40 C.F.R. § 62.16712(c)(1). In addition, OAC 252:100-47-6(b)(1) through (4) were pre-existing increments of progress, which this rulemaking will remove and replace with the newer ones.

- 2. COMMENT:** Mr. Schultze noted under OAC 252:100-47-6(b), Construction Permits, owners/operators who install an MSW landfill “gas collection and control system” are required to obtain a construction permit. Mr. Schultze suggested changing the term to just “landfill control system” (removing “gas collection and”). He was concerned about having to get construction permits for every well put in at a facility. Potentially having to do a permit modification for any kind of construction work related to replacing or redrilling wells would be cumbersome.

RESPONSE: The "gas collection and control system" terminology used in OAC 252:100-47-6(b) is existing language and was not affected by the proposed update of Subchapter 47. Therefore, the requirements in regards to whether or not a construction permit is required have not changed. Further, "gas collection and control system" is used as a term of art in EPA rules which DEQ has incorporated by reference elsewhere in Subchapter 47. Because this phrase is a term of art and used in this manner in the relevant federal rules, modifying this existing language could create a problem when proposing the rule to EPA for approval. Therefore, DEQ has chosen to retain this language without revision.

**COMMENTS RECEIVED PRIOR TO AND AT THE *OCTOBER 20, 2021*
AIR QUALITY ADVISORY COUNCIL MEETING**

Written Comments

U.S. Environmental Protection Agency, Region 6 – Submitted as an attachment to an email received on October 15, 2021, from Guy Donaldson, Chief of State Planning and Implementation Branch, Air and Radiation Division, U.S. EPA, Region 6 (hereafter "EPA").

1. **COMMENT:** We note that ODEQ has proposed to incorporate the most recent municipal solid waste landfill (MSW landfill) emission guidelines (EG) located at 40 C.F.R. part 60, subpart Cf, into the Oklahoma state regulations at OAC 252:100-47 in order to meet federal requirements under CAA section 111(d). We also note that legacy landfill language from the MSW landfills federal plan at 40 C.F.R. part 62, subpart OOO, has also been incorporated into Subchapter 47.

RESPONSE: DEQ appreciates EPA's review of the proposed revisions to Subchapter 47.

2. **COMMENT:** We recommend that in OAC 252:100-47-3(b)(1), the definition of an existing municipal solid waste landfill should be revised to reads as follows: "...means a municipal solid waste landfill that commenced construction, modification, or reconstruction **on or** before July 17, 2014 and accepted waste **after since** November 8, 1987". This more accurately reflects the applicability of MSW landfills subject to 40 C.F.R. part 60, subpart Cf. See 40 C.F.R. 60.30f(a) and 40 C.F.R. 60.33f(a)(1).

RESPONSE: DEQ agrees with and has incorporated this recommended change to OAC 252:100-47-3(b)(1) in the revised proposed rule.

3. **COMMENT:** We note that OAC 252:100-47 had previously included language on "Exemptions" at OAC 252:100-47-5(b). We recommend this language not be submitted as part of Oklahoma's MSW landfills revised state plan unless proper justification is provided for the inclusion of this language in the state plan. Similar language in OAC 252:100-47-5(b) can be found in the implementing regulations at 40 C.F.R. part 60, subpart B, at 40 C.F.R. 60.24(f); we note that this language is a guideline for drafting and reviewing state plan provisions rather than language that should be included as part of submitted state plans.

RESPONSE: The language in OAC 252:100-47-5(b) was copied verbatim from an April 5, 1998, EPA Region 6 comment submitted before the June 1998 Air Quality Advisory Council meeting, in which EPA recommended inclusion of said language in the rule. Additionally, DEQ notes the language requires EPA approval for any alternative emission standards or compliance schedules. Thus, it is DEQ's position that no revision to OAC 252:100-47-5(b) is necessary, since approval of the exemption is ultimately within EPA's discretion. EPA Region 6 staff also indicated in discussions after the October 20, 2021, council meeting that retention is acceptable.

Oral Comments

There were no oral comments from the public at the October 20, 2021, Air Quality Advisory Council meeting.